



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,285	02/06/2004	Kerwin D. Dobbs	UC0406USCIP	8490
23906 7590 06/11/2007 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			EXAMINER YAMNITZKY, MARIE ROSE	
			ART UNIT 1774	PAPER NUMBER
			MAIL DATE 06/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/774,285	Applicant(s) DOBBS ET AL.	
	Examiner Marie R. Yamnitzky	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12,14-16,18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12,14-16,18,20,21 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1774

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's amendment filed on March 20, 2007, which amends claim 22 and adds claims 23-25, has been entered.

Claims 1, 2, 4-10, 12, 14-16, 18 and 20-25 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The objection to the amendment filed September 14, 2006 as introducing new matter into the disclosure is withdrawn in view of the decision granting the petition to accept an unintentionally delayed claim for the benefit of priority (decision mailed May 16, 2007).

3. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 25 does not define L^2 , L^3 and L^4 . Since L^2 , L^3 and L^4 are not limited in claim 25, the claim apparently encompasses subject matter not disclosed in the application as originally filed.

Art Unit: 1774

4. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 is incomplete because L^2 , L^3 and L^4 are not defined in the claim. Accordingly, the scope of compounds having Formula II or Formula III as required for the active layer of claim 25 is not clear.

5. Claims 1, 2, 4-10, 12, 14-16, 18, 20 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al. (US 6,916,554 B2) or Thompson et al. (US 7,011,897 B2), either in view of Lamansky et al. (WO 02/15645 A1), for reasons of record in the Office action mailed November 20, 2006.

6. Applicant's arguments filed March 20, 2007 have been fully considered but they are not persuasive with respect to the rejection under 35 U.S.C. 103(a).

Applicant argues that neither of the primary references is prior art, and therefore no rejection can be based on them. In this regard, applicant relies on a claim for the benefit of priority to provisional Application No. 60/347,910, filed November 07, 2001.

Applicant's arguments are not persuasive because the '910 provisional application does not provide full support for the compounds of Formula III as defined in the rejected claims. Each of the primary references suggests compounds within the scope of present Formula III, as defined in the rejected claims, that are not supported by the '910 application.

Applicant identifies various portions of the '910 application as supporting present Formula III. The examiner has considered the entire disclosure of the '910 application, and respectfully maintains the position that support is lacking for the scope of Formula III as defined in the rejected claims. While present Formula III is the same generic formula as Formula II of the '910 application ($\text{PtL}^1\text{L}^3\text{L}^4$), two of the three ligands required for the compound are of a different scope in the present application versus the '910 application. While L^1 in the '910 application may be a substituted phenylpyridine ligand, there is no suggestion in the '910 application of $\text{C}_n\text{F}_{2n+1}\text{SO}_2$, COOR^4 or CN as substituents on the phenylpyridine ligand as encompassed by the present claims. None of the specific L^1 ligands defined in present claims 5, 6 and 9 are explicitly disclosed in the '910 application, and some of the L^1 ligands defined in claims 5, 6 and 9 are outside the scope of L^1 as defined in the '910 application. The definition of L^4 also differs between the two applications in that the present application allows L^4 to be any nonionic monodentate ligand whereas the '910 application defines L^4 as a monodentate phosphine ligand which is preferably nonionic. Further, while both applications broadly disclose monoanionic monodentate ligands for L^3 , the '910 application does not explicitly teach a hydride ligand for L^3 as required by present claims 4 and 12.

The applied combination of references suggests compounds within the scope of Formula III as defined in the rejected claims that are not supported by the '910 application based on one or more of the identified differences between Formula III as presently defined and Formula II as defined in the '910 application.

Art Unit: 1774

7. Claims 22 and 24 are allowed.

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 7:00 a.m. to 3:30 p.m. Monday-Friday.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY
May 31, 2007



MARIE YAMNITZKY
PRIMARY EXAMINER

1774